



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


In re patent application of:)	Before the Examiner:
Bianchi et al.)	Suzette J. Gherbi
)	
Application of Serial No. 10/699,175)	Group Art Unit 3738
)	
Filed October 31, 2003)	Ref. No. MSDI-434
)	
OPEN INTERVERTEBRAL SPACER)	July 23, 2009

RESPONSE TO NON-FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action dated March 23, 2009, please consider the following amendments and remarks. A fee in the amount of \$130 is remitted herewith for a one (1) month extension of time, thereby extending the time period to respond to July 23, 2009. Should any additional fees be deemed due, please charge any such fees to Deposit Account No. 12-2424, but not to include payment of issue fees.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:
July 23, 2009
Date of Deposit
Brad A. Schepers
Name of Registered Representative

Signature
July 23, 2009
Date of Signature

INTRODUCTORY COMMENTS

Claims 364-404 and 406-425 were pending in the subject application for the non-final Office Action dated March 23, 2009. In view of the following amendments and remarks, the Applicant respectfully requests reconsideration and allowance of the subject application.